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Attorneys for Defendant
THE DIAL CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SAN FRANCISCO TECHNOLOGY INC.,

Plaintiffs,

v.

THE GLAD PRODUCTS COMPANY,
BAJER DESIGN & MARKETING INC.,
BAYER CORPORATION, BRIGHT IMAGE
CORPORATION, CHURCH & DWIGHT
CO. INC., COLGATE-PALMOLIVE
COMPANY, COMBE INCORPORATED,
THE DIAL CORPORATION, EXERGEN
CORPORATION, GLAXOSMITHKLINE
LLC, HI-TECH PHARMACAL CO. INC.,
JOHNSON PRODUCTS COMPANY INC.,
MAYBELLINE LLC, MCNEIL-PPC INC.,
MEDTECH PRODUCTS INC., PLAYTEX
PRODUCTS INC., RECKITT BENCKISER
INC., ROCHE DIAGNOSTICS
CORPORATION, SOFTSHEEN-CARSON
LLC, SUN PRODUCTS CORPORATION,
SUNSTAR AMERICAS INC.

Defendants.

Case No. 5:10-cv-00966-JF

**STIPULATION AND [PROPOSED]
ORDER SEVERING CLAIMS
AGAINST THE DIAL
CORPORATION**

1 Plaintiff San Francisco Technology Inc. ("Plaintiff") and the undersigned defendant, The
 2 Dial Corporation ("Dial"), through their respective counsel, hereby make the following
 3 stipulation (the "Stipulation"):

4 WHEREAS, Plaintiff filed its Complaint (Dkt. No. 1) on March 5, 2010 (the "Complaint")
 5 alleging that Dial as well as other defendants falsely marked articles in violation of 35 U.S.C. §
 6 292; and

7 WHEREAS, on May 7, 2010, Dial previously filed a Motion to Dismiss or, in the
 8 Alternative, to Stay, or in the Further Alternative, to Sever (Dkt. No. 159); and

9 WHEREAS, on June 22, 2010, the Court granted Plaintiff's and Dial's stipulation to stay
 10 the proceedings and all aspects of the case with respect to Dial, including Dial's previous Motion
 11 to Dismiss and/or Sever, and further Ordered that "[t]he responsive pleading of Defendants The
 12 Dial Corporation and Johnson Products Company Inc. are hereby due 30 days" following "further
 13 order of the Court in accordance with the Federal Circuit's decision in *Stauffer*" (Dkt. No. 238);

14 WHEREAS, the Court lifted the stay on October 14, 2010 (Dkt. No. 319); and

15 WHEREAS, in its July 19, 2010 Order, the Court found good cause to sever other
 16 defendants in these proceedings (Dkt. No. 315);

17 THEREFORE, THE PARTIES HEREBY STIPULATE THAT:

18 Plaintiff's claims against Dial should be severed into a separate case; and

19 As previously stipulated and Ordered, Dial has until November 15, 2010 to move, answer,
 20 or otherwise respond to Plaintiff's Complaint, and except for venue and personal jurisdiction, all
 21 rights, defenses, and/or arguments of either party remain intact.

22 Respectfully submitted,

23 Dated: October 22, 2010

KRIEG, KELLER, SLOAN, REILLEY &
 ROMAN LLP

26 By: /s/

Christopher T. Holland
 Counsel for The Dial Corporation

28 In accordance with General Order No. 45, Section X(B), the above signatory attests that

1 concurrence in the filing of this document has been obtained from the signatory below.

2 Dated: October 22, 2010

MOUNT & STOELKER, P.C.

4 By: /s/

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Counsel for Plaintiff San Francisco
Technology Inc.

11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Clerk of the Court shall open a
12 new case number for *San Francisco Technology, Inc. v. The Dial Corporation*, which case shall
13 be assigned to The Honorable Jeremy Fogel, and shall file a copy of the Complaint in this action
14 and this Order under that new case number once it is assigned.

17 Dated: 10/27/10

By:


THE HON. JEREMY FOGEL
United States District Court Judge